UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:24-CV-00759-FDW-DCK

DEVANTE SHAQUILLE FINCHER,)	
Plaintiff,)	
v.)	<u>ORDER</u>
ADVOCATE HEALTH,)	
Defendant.)	
)	

THIS MATTER is before the Court on Plaintiff's Motion for Entry of Default, (Doc. No. 15). For the reasons set forth below, Plaintiff's Motion is DENIED.

On November 12, 2024, Plaintiff filed a Motion to Amend, (Doc. No. 14), and a Motion for Entry of Default, (Doc. No. 15). The Magistrate Judge granted Plaintiff's Motion to Amend that same day. (Doc. No. 16.) It is well settled that a timely-filed amended pleading supersedes the original pleading. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) ("The general rule... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.") (abrogated on other grounds). Plaintiff's concurrent requests to amend and for entry of default are, in the Court's view, inconsistent. Because Plaintiff sought and was granted leave to file a new operative complaint in this case, entry of default on his original complaint under Federal Rule of Civil Procedure 55(a) is not appropriate at this time.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Entry of Default, (Doc. No. 15), is DENIED.

IT IS SO ORDERED.

Signed: November 14, 2024

Frank D. Whitney
United States District Judge